

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

BENNY ODEM, JR.,
Institutional ID No. 01703386

Plaintiff,

v.

No. 1:20-CV-00041-H

PAIGE RUTLEDGE, *et al.*,

Defendant.

**ORDER LIFTING STAY AND
ACCEPTING THE FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

This case was stayed pending disposition of three appeals pending before the Fifth Circuit. See Dkt. No. 54. Those appeals have concluded, and the Court lifts the stay and directs the Clerk to reopen this case.

The United States Magistrate Judge made findings, conclusions, and a recommendation (FCR) in this case. Dkt. No 41. Plaintiff filed objections. Dkt. No. 51. The Magistrate Judge recommended that the Court dismiss all but one of Plaintiff's claims as frivolous or for failure to state a claim. Specifically, the Magistrate Judge recommended that only Plaintiff's First Amendment claim against Defendant Karla Sadler for punitive and compensatory damages should proceed.

"The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3); *see* 28 U.S.C. § 636(b)(1). In contrast, the district judge reviews any unobjected-to findings, conclusions, and recommendations for plain error. The Court has examined the record and reviewed the unobjected-to portions of the FCR for plain error and, finding none, expressly accepts and adopts those portions of the Magistrate Judge's findings, conclusions, and recommendation.


Additionally, in light of Plaintiff's specific objections, the Court has conducted a de novo review of the relevant portions of the FCR and the record in this case. Many of Plaintiff's objections are either restatements of arguments made in his amended complaint (as supplemented by Plaintiff's supplement and response to the Magistrate Judge's questionnaire),¹ arguments thoroughly addressed by the FCR, mere disagreements with the Magistrate Judge's wording, or conclusory statements insisting that his claims have merit. Plaintiff's objections are overruled, and the Court accepts and adopts the findings, conclusions, and recommendation of the Magistrate Judge. As a result, the Court orders:

(1) The Court will enter a separate order directing service and requiring a response on Plaintiff's claim against Defendant Karla Sadler—in her individual capacity—for seizing his prayer beads in violation of the First Amendment.

(2) All other claims and Defendants are dismissed with prejudice under 28 U.S.C. § 1915A for failure to state a claim. Final judgment as to these claims will be entered upon disposition of the remaining claim against Defendant Sadler.

(3) Plaintiff's motion demanding a jury trial, Dkt. No. 55, is granted. All other relief not expressly granted is denied and any pending motions are denied.

Dated August 2, 2023.



JAMES WESLEY HENDRIX
United States District Judge

¹ See Dkt. Nos. 13, 27, 37.